



**What:**

**Notice of Decision** for an **Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision** (under Section 22, Section 34 and Section 51, respectively, of the *Planning Act, R.S.O. 1990, c. P.13*, as amended).

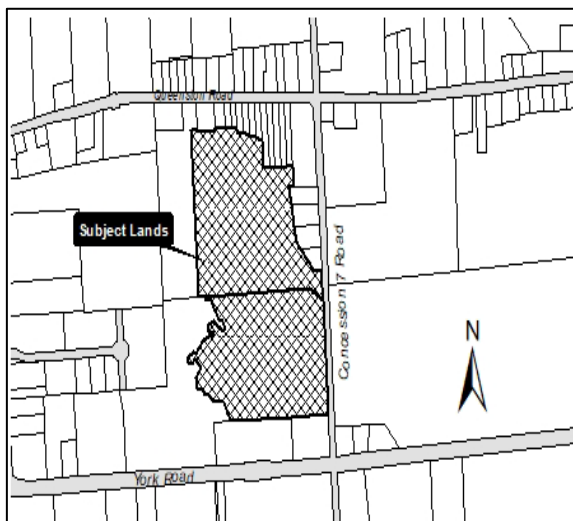
**When:**

Approved at the **February 27, 2024** Council Meeting

**Regarding:**

Modero Estates Draft Plan of Subdivision (File 26T-18-22-01)  
Official Plan Amendment 91 - By-law **2024-014** (File OPA-02-2022)  
Zoning By-law Amendment - By-law **4316FI-24** (File ZBA-07-2022)  
Zoning By-law Amendment - By-law **500YH-24** (File ZBA-07-2022)  
Concession 7 Road (West Side) - North of York Road, Niagara-on-the-Lake

**What is this?**



Town Council for Niagara-on-the-Lake has considered written and oral submissions and approved an Official Plan Amendment, two Zoning By-law Amendments and Draft Plan of Subdivision on the subject lands as follows (see the location map):

**Official Plan Amendment 91**

The Amendment designates portions of the lands to “Low Density Residential (EX-RES-13)”, “Medium Density Residential (EX-RES-14)” and “Open Space & Community Facilities” and also refines the “Conservation” designation boundary for environmental features. The site-specific “Low Density Residential (EX-RES-13)”

designation permits a maximum net residential density of 10 units/acre (25 units/hectare) while the site-specific “Medium Density Residential (EX-RES-14)” designation permits a maximum net residential density of 22 units/acre (55 units/hectare) as well as permitting local serving commercial uses abutting Concession 7 Road.

**Zoning By-law 4316FI-24 (Urban Area)**

The By-law provides a “Residential (R1-16) Site Specific Zone”, two “Residential (RM5-16) Site Specific Zones” and a “Village Commercial (VC-16) Site Specific Zone” to allow the subdivision development with provisions for lot coverage, lot area, building setbacks, building height, garage door width, frontage, landscaping and amenity space. The By-law also provides “Open Space (OS-16) Site Specific Zones” for parkland and a stormwater management facility within the subdivision and an “Open Space Key Features (OSF-16) Site Specific Zone” to restrict the permitted uses to protect environmental features.

**Zoning By-law 500YH-24 (Agricultural/Rural Area)**

The By-law provides an “Open Space (OS-SS) Site Specific Zone” with provisions to permit only a conservation area including flood control and other hazard area uses to protect the existing conservation features and prohibit any type of development on the lands.



**Modero Estates Draft Plan of Subdivision 26T-18-22-01**

The Draft Plan of Subdivision proposes 55 lots for single-detached dwellings, 128 on-street townhouses, 178 block townhouses, a commercial building with 28 apartment and townhouse units above or behind the commercial use and blocks of land for stormwater management, parkland and environmental conservation. The portions of the land containing environmental features are to be protected. The Draft Plan and Conditions of Approval are attached to this Notice.



**The last date for filing a notice of appeal is March 26, 2024.**

A notice of appeal:

- i. must be filed with the Town Clerk;
- ii. must set out the reasons for the appeal; and
- iii. must be accompanied by the fee required by the Ontario Land Tribunal.

Please refer to the Ontario Land Tribunal website at [olt.gov.on.ca](http://olt.gov.on.ca) for more information.



**Further notice and appeal eligibility:**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Any of the Conditions of Approval may be appealed at any time before final approval of the plan of subdivision by the applicant, public body, the Minister and the Town by filing a notice of appeal with the Town Clerk.

You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes.

No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, including conditions and any changed conditions, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or made a written request to be notified of changes to conditions, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Dated at the Town of Niagara-on-the-Lake, **March 6, 2024**

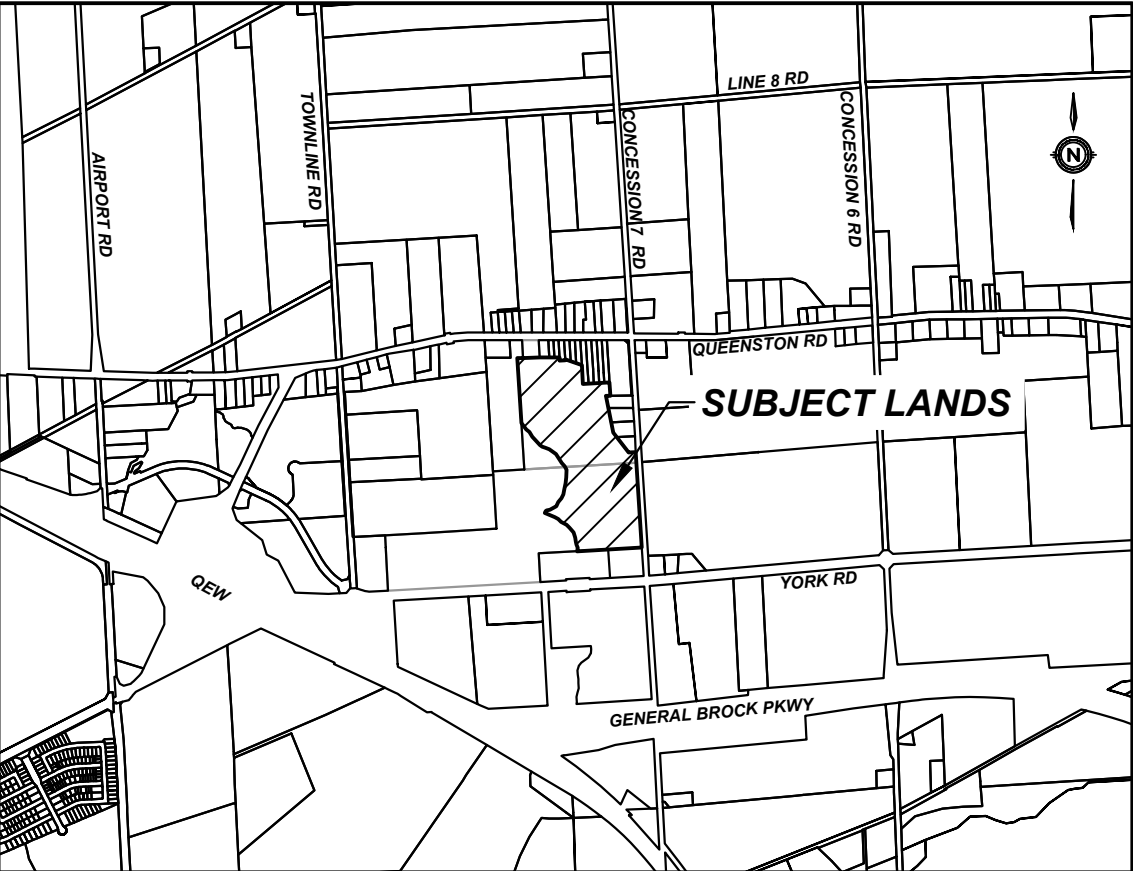
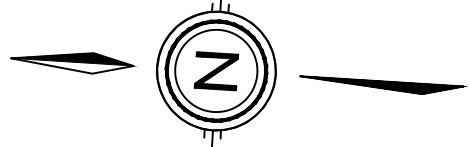
Grant Bivol, Town Clerk ([clerks@notl.com](mailto:clerks@notl.com) or 905-468-3266)

Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0



# MODERO ESTATES

## TOWN OF NIAGARA-ON-THE-LAKE



### KEY PLAN

N.T.S.

### DRAFT PLAN OF SUBDIVISION

### LEGAL DESCRIPTION

PART OF TOWNSHIP LOTS 180 & 181  
(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
TOWN OF NIAGARA-ON-THE-LAKE

### OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY  
AUTHORIZE UPPER CANADA CONSULTANTS TO  
PREPARE AND SUBMIT THIS DRAFT PLAN OF  
SUBDIVISION TO THE TOWN OF  
NIAGARA-ON-THE-LAKE FOR APPROVAL.

2645162 ONTARIO INC. 2021-12-08  
DATE

HUMMEL PROPERTIES 2021-12-08  
DATE

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF  
THE LANDS TO BE SUBDIVIDED ARE  
CORRECTLY SHOWN.

THE LAROCQUE GROUP 2021-12-16  
DATE

### LAND USE SCHEDULE

LAND USE	LOT/BLOCK	UNITS	AREA(ha)	AREA(%)
TOWN HOUSE	BLOCK 1-9, 65-81 & 88	128	3.384	21.95
SINGLE FAMILY	LOTS 10-64	55	2.669	17.31
CONDOMINIUM UNITS	BLOCK 82,84	178	4.165	27.01
MIXED USE	BLOCK 83	28	0.738	4.78
STORMWATER MGMT FACILITY	BLOCK 86		0.926	6.00
PARK	BLOCK 85		0.771	5.00
ROADWAY			2.560	16.60
ENVIRONMENTAL PROTECTION AREA	BLOCK 87		0.206	1.35
TOTAL		389	15.419	100.00

DEVELOPABLE AREA = 15.213ha (TOTAL AREA - EPA)  
DEVELOPABLE DENSITY = 25.57 units/ha

#	ISSUED FOR APPROVAL	REVISION	DATE	INIT
0	ISSUED FOR APPROVAL		2023-08-31	M.C.

### GREENFIELD DENSITY CALCULATION

TOWNHOUSES: PPL + JOBS  
128 x 2.189 = 280 ppl  
= 815 + 42  
= 857  
SINGLES:  
55 x 2.929 = 161 ppl  
CONDO:  
178 x 2.189 = 389 ppl  
TOTAL PPL = 830 ppl  
TOTAL JOBS  
= PPL x 0.05  
= 830 x 0.05  
= 42 ppl/jobs  
PPL + JOBS/ha  
= 857 / Developable area  
= 857/15.213  
= 56.33 PPL + JOBS/ha

DRAWING TITLE	DRAFTING	G.S./M.C.
DRAFT PLAN OF SUBDIVISION MODERO ESTATES	DATE	FEBRUARY 5, 2024
	PRINTED	FEBRUARY 5, 2024
	SCALE	1:1000
	DWG No.	2130-DP
	REV	0



**File:** 26T-18-22-01  
**Draft Approval Date:** \_\_\_\_\_  
**Lapse Date:** \_\_\_\_\_

**Town of Niagara-on-the-Lake**  
**Conditions of Draft Plan Approval**

The conditions of draft plan approval and registration of “Modero Estates” Subdivision, File 26T-18-22-01 are as follows:

**Town Community and Development Services**

1. That approval applies to the “Modero Estates” Draft Plan of Subdivision, being Part Lots 179 to 181 Part Road ALLOW RP 30R3553 PT Part 1 and RP 30R13678 Part 1; and Part Township Lot 181 RP 30R11752 PT Part 2 Town of Niagara-on-the-Lake, Regional Municipality of Niagara, prepared by Upper Canada Consultants, Drawing Number 2130-DP dated February 5, 2024, showing Blocks 1-9, 65-81 and 88 for on-street townhouse dwellings, 55 lots for single-detached dwellings (Lots 10-64), Blocks 82 and 84 for townhouse units, Block 83 for a mixed use block, Block 85 for parkland, Block 86 for a Stormwater Management Pond Facility, and Block 87 for Environmental Protection Area.
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, save and except for model homes (as permitted by Town policy), until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the subdivision agreement between the owner and the Town in respect of the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of subdivision.

6. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of subdivision.
7. That the owner receives final approval to an Official Plan Amendment and a Zoning By-law Amendment to provide land use regulations for the development of the land in accordance with the Draft Plan of Subdivision, dated February 5, 2024.
8. That the owner agrees in the subdivision agreement that, prior to the issuance of a building permit, each dwelling within the subdivision will be subject to the review and approval of the Director of Community and Development Services respecting urban design considerations.
9. That the public roads within the development be named to the satisfaction of the Town of Niagara-on-the-Lake and deeded to the Town of Niagara-on-the-Lake free and clear of any mortgages, liens or encumbrances.
10. That the owner provides a preliminary 30M plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.
11. That the owner dedicates Block 85 (parkland) to the Town without monetary consideration and free of all charges and encumbrances, at the parkland dedication rate of 5% of the total land area, as required under the *Planning Act*.

### **Town Operations Department**

12. That detailed servicing design drawings with calculations for the watermain system (including all projected water demands of the development, fire flow calculations, and hydrant flow/pressure tests for all hydrants in proximity to the development) required to service the subject lands be submitted to the Town's Operations Department and the Fire and Emergency Services Department for review and approval by the Director of Operations and Fire Chief. The approval of the detailed servicing plans will be subject to the delivery of adequate water system pressure and fire flows.
13. That detailed servicing design drawings inclusive of calculations and drainage area plans for the sanitary sewer system and the stormwater drainage system required to service the subject lands be submitted to the Town's Operations Department for review and approval.
  - a) The detailed servicing design shall include a comprehensive Easement Plan prepared following detailed engineering design, which identifies the exact location, configuration and dimensions of the sanitary sewer easement crossing through Block 84 and crossing through the easement on adjacent lands known municipally as 736 York Road.

- b) The detailed servicing design shall include details regarding grinder pumps, ejector pumps and gravity connections.
  - c) The detailed servicing design and supporting documents may be subject to peer review as determined by the Director of Operations, at the owner's cost.
14. That the owner agree to provide appropriately sized easements extending over Block 84 in favour of the Town to permit the installation and future maintenance of a municipal sanitary sewer to service the subject lands. The dimensions and configuration of the easement will be in accordance with the approved Easement Plan identified in Condition 13.
15. That the owner consult with the adjacent property owner to arrange for an easement extending over a portion of the property known municipally as 736 York Road and legally described as "PT TWP LOT 181 RP 30R9227 PT PART 1", in favour of the Town to permit the installation and future maintenance of a municipal sanitary sewer. The easement on lands municipally known as 736 York Road shall be registered on title and a legal Easement Agreement for required servicing shall be provided, to the satisfaction of the Town. The width and exact location of the easement will be in accordance with the approved Easement Plan, identified in Condition 13.
16. That overall lot grading plans, noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site, be submitted to the Town's Operations Department for review and approval.
17. That the owner provides the cost estimates of all on-site and off-site works, as well as the number of working days required to complete the proposed works to establish the appropriate security deposits to be identified in the subdivision agreement.
18. That the owner dedicates daylighting triangles on all lots or blocks abutting proposed intersections in accordance with Town standards and to be included in the roadway dedications of public streets to the Town.
19. That the owner agrees to the following requirements in the subdivision agreement:
- a) That all infrastructure works will be constructed to current Town specifications.
  - b) That all proposed infrastructure will be subject to the Town's inspection at the owner's expense including qualitative and quantitative testing of any materials used in the construction of any works.
  - c) That all construction plans and supporting reports shall be subject to peer review at the owner's cost.
  - d) That the owner shall grant to the Town any required easements for services, utilities, or other purposes as needed.

- e) That the owner be required to provide the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
- f) That the owner be required to construct a 1.5m wide sidewalk along both sides of Street A and Street B for the East-West extent between Concession 7 Road and Park Block 85 in the subdivision at its own expense. The owner is further required to construct a 1.5m wide sidewalk on one side of the street for the balance of Street A, in addition to Street C, Street D and Street E at its own expense. Sidewalks are to be installed as per the Town's Sidewalk Installation Policy for new developments (Policy CDS-PLG-004).
- g) That adequate snow storage be provided within the Block(s) to prevent the plowing or movement of snow into the Town's municipal right of way.
- h) That a sediment control plan be submitted to the Town's Operations Department for review and approval.
- i) That sanitary and storm drainage area plans be submitted to the Town's Operations Department for approval.
- j) That a comprehensive stormwater management report be submitted to the Town's Operations Department for review and approval.
- k) That the design and construction of the stormwater management pond facility follow the Town's Policy: Landscape & Maintenance Guidelines for Stormwater Management Ponds & Facilities (Policy PW-DRA-004A).
- l) That detailed servicing plans, including plan and profile views, be submitted for review and approval by the Town's Operation Department.
- m) That an overall lot grading plan be submitted for review and approval by the Town's Operation Department noting both existing and proposed grades including driveway apron and top of foundation elevations and the means whereby overland flows will be accommodated across the site.
- n) That a street lighting and photometrics plan for all internal streets be submitted to the Town's Operations Department for review and approval, and that the submitted design follows the Town's decorative streetlighting policy (PDS-PLG-009).
- o) That a Streetscape Plan of the internal streets illustrating the location of on-street parking, boulevard trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no-parking signs and street lighting be submitted to the Town's Operations Department for review and approval.
- p) That parking on all internal streets be limited to one side, and that no-parking

signage be installed as required, subject to the review and approval by the Town's Operations Department.

- q) That all signage within the subject property (including all regulatory and no-parking signage) be installed at the owner's cost.
  - r) That during the construction the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
  - s) That the owner provides boulevard trees in the subdivision in accordance with Town policy respecting the number, location, species, and size of trees.
  - t) That all offers, and agreements of purchase and sale shall contain a clause that the purchaser will be responsible to maintain the grassed boulevard and landscape roadway islands between their property line and the Town roadway in front of and adjacent to their lot/block where they exist.
  - u) That all offers and agreements of purchase and sale shall contain a clause that informs the purchaser of the type of sanitary lateral connection (ejector pump, grinder pump, and/or gravity connection) installed to the purchased lot, as well as the type of fronting municipal sanitary infrastructure (sanitary sewer or forcemain).
  - v) That all offers and agreements of purchase and sale of lots equipped with a grinder pump or ejector pump shall contain a clause that informs the purchaser that all maintenance, repair and replacement costs associated with such systems are fully borne by and the responsibility of the purchaser.
  - w) That all offers and agreements of purchase and sale shall contain a clause that, where sidewalk installation has been approved, indicates that a sidewalk will be installed and constructed along the frontage of such lot(s) within the Town's road allowance.
  - x) Upon completion of primary services and before any financial releases, the fire hydrants shall be pressure and flow tested as per Fire Code requirements.
20. That the owner submit a tree inventory and tree savings plan for any and all trees located within the Town's road allowance along the subject lands where they abut the Concession 7 Road frontage, and that the owner provides an overall tree planting plan identifying any additional tree species to be installed to replace trees required to be removed to facilitate this development, to the Town's Operations Department for review and approval.
21. That the owner is responsible for an agreed upon percentage, between the Town



and owner, of the costs associated with the design and reconstruction of Concession 7 Road, from York Road to the northern limit of Block 82, to be built to a 20 metre road allowance cross section, and that the detailed design and costing of the design and works are included in the submitted application materials and cost estimate. The reconstruction is subject to the review and approval of the Town and the works shall include the installation of the following elements, at minimum:

- a) curb and gutter be installed as per the requirements set out by the Director of Operations;
- b) storm sewer, catch basins, and other necessary appurtenances;
- c) street lighting (as per applicable Town policy);
- d) sidewalk installation (1.5m in width) located on west side of Concession 7 Road connecting to York Road;
- e) tree planting in accordance with the approved tree planning plan and Town policies.
- f) Cost recovery shall be addressed through front-ending agreement(s).

22. That the owner/applicant decommission all existing services, laterals, and any other existing components connected to Town infrastructure servicing the existing development lands, and that all connections be capped at the respective main/sewer.

23. That the owner/applicant be responsible for the maintenance and upkeep of the frontages and/or boulevard areas associated with Blocks 1-9 (inclusive), and Blocks 65-84, and Block 88 (inclusive) in perpetuity until such time as these Blocks have been developed through the approval of future *Planning Act* applications.

### **Town Parks Department**

24. That the owner agrees to the following requirements in the subdivision agreement:

- a) Private drainage shall not outlet to Block 85 (parkland).
- b) The detailed servicing design identified in Condition 13 above shall ensure positive drainage within Block 85 (parkland) within the park boundaries.
- c) Block 85 (parkland) shall not be used as a construction site staging area during any construction that takes place on the subject lands. Equipment should be inspected for leaks and refueling be completed in accordance with best management practices and located at least 30 metres away from the parkland.
- d) If the owner is bringing in material not native to the park site, the owner shall provide a soil analysis prior to grass seeding, in addition to before assumption by the Town, for review and approval by the Town's Parks Department, at the owners expense.
- e) The owner shall ensure that the topsoil depth is to the satisfaction of the Town.

- f) The owner shall ensure that grass seed is planted on Block 85 (parkland), at the owner's expense. Sod is not permitted.
- g) Seed establishment on Block 85 (parkland) requires a minimum of three (3) cuts by the owner during a one (1) year maintenance period that the owner is responsible for prior to assumption by the Town.

### **Regional Municipality of Niagara**

25. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled *Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated April 27, 2023)*. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region and the Town of Niagara-on-the-Lake, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

26. That the following warning clause is included within the subdivision agreement to protect for any potential archaeological resources that may be encountered during construction activities:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Regional Police Service as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

27. That the subdivision agreement include a clause requiring the owner to implement the recommendations of the Noise Feasibility Study, prepared by HGC Engineering (dated October 27, 2023), including the following:

- a) That forced air ventilation systems with ductwork sized for future installation of central air conditioning by the occupant will be required for dwellings fronting onto or with direct exposure to Concession 7 Road (Blocks 76, 82, 83, 84, 88). The location, installation and sound ratings of the air condition devices should comply with NPC-300.
  - b) Warning clauses to inform future residents and tenants of the traffic noise level excesses.
  - c) Acoustic requirements to be refined when block and lot numbering is available.
  - d) When detailed architectural drawings are available for the blocks identified in the south of the site (Block 84), further analysis is required at the time of detailed design prior to draft plan of condominium approval, to review the drawings and refine noise mitigation as needed.
28. That the subdivision agreement include a clause requiring verification from a qualified acoustical consultant that the noise control measures have been properly installed during construction, prior to assumption.
29. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it is also included in the subdivision agreement for Blocks 76, 82, 83, 84 and 88:

*“Purchasers / tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Town and Ministry’s noise criteria.”*

*“This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Town and Ministry’s noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of the Ministry publication NPC-216, Residential Air Conditioning Devices.”*

Block 84: *“Purchasers are advised that due to the proximity of the existing commercial and institutional buildings, sound levels from the facilities may be at times audible.”*

30. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it is also included in the subdivision agreement:

*“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”*

31. That the subdivision agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the Environmental Impact Study (EIS) prepared by Ecological & Environmental Solutions & LCA Environmental (dated March 2022), including but not limited to:
- a) That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
  - b) That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
  - c) Incorporation of Bird-Friendly Guidelines into the residence design such as those published in City of Toronto's "Best Practices for Bird-Friendly Glass" and "Best Practices for Effective Lighting" should be considered at detailed design.
  - d) That the contractor have a spill kit on site to minimize potential contamination from accidental spills. The equipment should be inspected for leaks and refueling be completed in accordance with best management practices and at least 30 m away from the woodland.
  - e) That all municipal street trees planted within 120 m of Open Space Blocks be restricted to species native to the local landscape.
32. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A no-gate bylaw shall be included in the subdivision agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
33. That an Erosion and Sediment Control ("ESC") Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
34. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.



35. That a Tree Preservation Plan ("TPP") be provided to the satisfaction of the Niagara Region. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
36. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in the EIS and EIS Addendum (prepared by Ecological & Environmental Solutions & LCA Environmental, dated March 2022 and October 12, 2023 respectively). The Plan should identify how the channel in the northern portion of the site will be restored, including, but not limited to, removal of the flow barrier, re-establishment of channel banks, and the creation of refuge pools along either bank to maintain amphibian breeding habitat and potential habitat for turtles. Further, the Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
37. That the developer provide securities to the Town of Niagara-on-the-Lake in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restoration required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure completion of restoration objectives.
38. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all offers of purchase and sale for properties within the subdivision development.
39. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the channel restoration and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to the Growth Strategy and Economic Development Department with attention to Environmental Planning, [devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca) by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.
- Note: Monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.
40. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed street lighting be downward facing and shielded to prevent light spillage into the surrounding natural area. The Plan should be Dark Sky

Association (IDA) compliant.

41. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Preservation Plan, Restoration Plan, Ecological Monitoring Plan and Photometric Plan.
42. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
43. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town. That prior to final approval for registration of this plan of subdivision, the owner shall confirm capacity in the Region's infrastructure prior to obtaining the Town's CLI ECA for any new municipal sanitary sewers, storm sewers and stormwater management facilities.
44. That a detailed servicing cross-section showing the proposed sewer connection at York Road is submitted for Regional review and approval to ensure the existing Regional watermain is not disturbed.
45. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed erosion and sedimentation control plans;
  - c) Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
46. That the subdivision agreement between the owner and the Town contain provisions

whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.

47. That prior to any construction commencing within the Regional Road 81 (York Road) road allowance, the owner shall obtain the required Regional Construction Encroachment Permit from Niagara Region's Transportation Services Division, Public Works Department.
48. That the owner/developer ensure that all streets and development blocks can provide access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling and complete the Application for Commencement of Collection and any required Indemnity Agreements prior to waste collection services commencing.
49. That the applicant submit Regional waste collection truck turning plans for review and approval to ensure the development is able to accommodate Regional curbside waste collection services.

#### **CANADA POST**

50. The owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake and Canada Post:
  - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - i. that the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii. that the owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - b) The owner further agrees to:
    - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - ii. install concrete pad(s) in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

- iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv. determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office (s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at the owner/developers own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **ENBRIDGE GAS INC.**

51. That the subdivision agreement between the owner and the Town include the following clauses:

- a) *"The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving."*
- b) *"If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for the temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant."*
- c) *"If easement(s) are required to service this development, and any future adjacent developments, the owner will provide all easement(s) to Enbridge Gas Inc. at no cost."*

### **NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)**

52. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Control measures shall be maintained and in good condition for the duration of construction until all disturbed surfaces have been stabilized.

53. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning the watercourse. In



support of the Work Permit application, the following information will be required:

- a) Staging and Sequencing Plan;
- b) Erosion and Sediment Control Plan;
- c) Fish and Wildlife Salvage Plan;
- d) Landscape Plan;
- e) Invasive Species Management Plan; and
- f) Addendum to Geotechnical Report speaking to the watercourse alteration.

54. That a 1.5 metre high chain link be placed along the 7.5 metre offset to the stable top of bank, to the satisfaction of the Niagara Peninsula Conservation Authority.

55. That Conditions 52, 53, and 54 be incorporated into the future Agreement between the Developer and the Town, to the satisfaction of the Niagara Peninsula Conservation Authority. The draft Agreement shall be circulated to the Niagara Peninsula Conservation for review and approval.

#### **BELL CANADA**

56. That the subdivision agreement between the owner and the Town include the following clauses:

- a) *"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
- b) *The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."*

#### **Niagara-on-the-Lake Hydro Inc.**

57. That the owner enters into a separate agreement with Niagara-on-the-Lake Hydro Inc. for the provision of hydro services for the development.

## Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1-11
Town Operations	12-23
Town Parks	24
Niagara Region	25-49
Canada Post	50
Enbridge Gas	51
Niagara Peninsula Conservation Authority	52-55
Bell Canada	56
Niagara-on-the-Lake Hydro	57

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	905-468-3266	clerks@notl.com
Niagara Region	Katie Young, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	905-980-6000	katie.young@niagararegion.ca
Niagara Peninsula Conservation Authority	Taran Lennard, Watershed Planner 2	250 Thorold Road West, 3 <sup>rd</sup> Floor, Welland, ON, L3C 3W2	905-788-3135	tlennard@npca.ca

Niagara-on-the- Lake Hydro	Kevin Sidey, Senior Engineering Technologist	8 Henegan Road, P.O. Box 460, Virgil, ON, L0S 1T0	905-468-4235	ksidey@notlhydro.com
Canada Post	Andrew Carrigan, Delivery Planning Officer	955 Highbury Ave. N. London, ON N5Y 1A3	226-268-5914	andrew.carrigan@canadapost.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	416-495-6411	municipalplanning@enbridge.com
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison			planninganddevelopment@bell.ca

## Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.